

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Applicant has rewritten claim 1, added new claims 21 and 22 and canceled claims 9 and 10-14. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks. Applicant gratefully appreciates examiner's indication on page 6, paragraph 12 that claims 3-5, 7-9, 13-16, 18 and 19 contain allowable subject matter if amended to include the base claim and any intervening claims.

As to the restriction requirement, applicant has canceled claims 10-14, 17 and 20 and reserves the right to file a divisional application(s) in the future.

Applicant notes that the restriction requirement removed claims 13, 14, which the examiner listed as being allowable, which applicant believes appears to be a typographical error.

Additionally, Applicant notes that the PTOL Form 326 cover sheet lists claims 2, 4, 5, 7, 8, 15, 16, 18, 19 as being "subject to restriction and/or election requirement", which also appears to be in error since page 6, paragraph 12 lists some of these claims as being allowable. Applicant has made a good faith attempt to resolve what the Examiner was indicating as allowable and made amendments based thereon.

Applicant has amended claim 1 to include the subject matter of dependent claim 3 which the examiner indicated as being allowable.

Newly submitted independent claim 21 is a combination of former claim 1 with originally filed claims 4 and 5 and clarification on the device can have a pole or a handle.

Newly submitted independent claim 22 is a combination of former claim 1 and originally filed claim 8.

Since Applicant based their amendments on some of the conflicting language in the office action, applicant respectfully requests that any future office action rejections MUST BE NON FINAL.

As to the objection to drawing Fig. 7 listing the component “62” which is not described in the specification, applicant has now amended page 7, lines 8-13 to include reference to this component. Removal of this objection is respectfully requested.

As to the objection that numeral 110 in Figures 13-15 should be 120, a replacement drawing sheet is included with this response. Removal of this objection is respectfully requested.

As to the objections to the specification, applicant has made a good faith effort to correct the reference number labels for components 90, 100 and 130, 140 as referenced the examiner. Removal of this objection is respectfully requested.

The objection and rejection under sec. 112, second paragraph of claim 9 is now moot since this claim has been canceled.


Claims 1-2 were rejected under sec. 102b as being anticipated by Mayerle ‘278. This rejection is now moot since claim 1 has been amended to include the allowable subject matter of former dependent claim 3. Removal of this rejection is respectfully requested.

Claim 6 was rejected over Mayerle in view of Carlisel ‘158. This rejection is now moot since claim 1 on which claim 6 depends, has been amended to include the allowable subject matter of former dependent claim 3. Removal of this rejection is respectfully requested.

Applicant contends the references cannot be modified to incorporate the features of subject claims 1, 2, 4-8 and 21-22 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

In view of the foregoing considerations, it is respectfully urged that claims 1, 2, 4-8 and 21-22 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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REPLACEMENT DRAWING

The attached Replacement Sheet will replace all prior versions of drawings for Figures 13, 14 and 15.